IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 22192 of 2006(P)

PETITIONER:

DR. K.S.SURESH CHANDRAN,
LECTURER IN MALAYALAM, BAM COLLEGE,
THURUTHICAUD, VIA. THIRUVALLA.

BY ADV. SRI.BABU VARGHESE

RESPONDENTS:

1. **THE MANAGER,**
   BAM COLLEGE, THURUTHICAUD VIA, THIRUVALLA.

2. **THE MAHATMA GANDHI UNIVERSITY,**
   REPRESENTED BY ITS REGISTRAR,
   PRIYADARSHINI HILLS P.O., KOTTAYAM.

3. **THE STATE OF KERALA, REPRESENTED BY**
   ITS PRINCIPAL SECRETARY,
   DEPARTMENT OF HIGHER EDUCATION,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

4. **THE DIRECTOR OF COLLEGIATE EDUCATION,**
   VIKAS BHAVAN, PMG JUNCTION, THIRUVANANTHAPURAM.

5. **THE DEPUTY DIRECTOR OF COLLEGIATE**
   EDUCATION, KOTTAYAM.

BY ADV. SRI.V.A.MUHAMMED, SC, M.G.UNIVERSITY

R3 TO R5 BY GOVT. PLEADER (SHRI T.T. MUHAMMED)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD

ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.22192 OF 2006 P

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER OF APPROVAL GRANTED BY THE UNIVERSITY IN THIS REGARD DATED 12.3.1992.

EXT.P2 TRUE COPY OF THE ORDER OF APPROVAL GRANTED BY THE UNIVERSITY IN THIS REGARD DATED 25.5.1995.

EXT.P3 TRUE COPY OF THE ORDER DATD 16.3.2001 OF MAHATMA GANDHI UNIVERSITY.

EXT.P4 TRUE COPY OF THE ORDER OF APPROVAL DATED 24.4.2001 OF MAHATMA GANDHI UNIVERSITY.

EXT.P5 TRUE COPY OF THE GOVERNMENT LETTER NO.36449/D1/2003/H. EDN. DATED 14.1.2004.

EXT.P5(A) TRUE COPY OF THE ORDER NO.AC.B-1/2/298/2004 DATED 31.12.2005 OF MAHATMA GANDHI UNIVERSITY.

EXT.P6 TRUE COPY OF THE OBJECTION RAISED BY FIFTH RESPONDENT DATED 1.2.2006.

EXT.P7 TRUE COPY OF THE UNIVERSITY ORDER ISSUED BY 2ND RESPONDENT DATED 13.11.98.

EXT.P8 TRUE COPY OF THE STATEMENT OF WORKLOAD FOR THE YEAR 1997 - 98.

EXT.P8(A) TRUE COPY OF THE STATEMENT OF WORKLOAD FOR THE YEAR 1998 - 99.

EXT.P8(B) TRUE COPY OF STATEMENT OF WORKLOAD FOR THE YEAR 1999 - 2000.

EXT.P8(C) TRUE COPY OF STATEMENT OF WORKLOAD FOR THE YEAR 2000 - 01.

EXT.P8(D) TRUE COPY OF STATEMENT OF WORKLOAD FOR THE YEAR 2001 - 02.

EXT.P9 TRUE COPY OF THE WORKLOAD STATEMENT FOR THE YEAR 2003 - 2004.

EXT.P9(A) TRUE COPY OF THE WORKLOAD STATEMENT FOR THE YEAR 2004 - 2005.

EXT.P9(B) TRUE COPY OF THE WORKLOAD STATEMENT FOR THE YEAR 2005 - 2006.

EXT.P9(C) TRUE COPY OF THE WORKLOAD STATEMENT FOR THE YEAR 2006 - 2007.

EXT.P10 TRUE COPY OF THE INTERIM ORDER ISSUED BY THE DIVISION BENCH OF THIS HONOURABLE COURT IN C.M.P.NO.43075/98 IN O.P. NO.24481/98 DATED 24.1.2000.

EXT.P11 TRUE COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER BEFORE THE 4TH RESPONDENT DATED 19.6.2006.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C NO. 22192 OF 2006 P

Dated this the 6th December, 2006

JUDGMENT

Petitioner was appointed vide Exts.P4 and P5(a). His complaint is that though his appointment has been approved by second respondent University, he has been denied salary. Exts.P4 and P5(a) are stated to be the orders of approval by the respondent University. By Ext.P6, there was objection raised. According to petitioner, the question is covered by the Division Bench Judgment of this Court in Cherian Mathew v. Principal, S.B. College, Changanacherry (1998 (2) KLT 144). Heard the learned Government Pleader also. Learned Government Pleader points out that whatever objections there are to the appointment of petitioner, will be placed before the second respondent University. In such circumstances, the Writ Petition is disposed of as follows:

The fifth respondent, Deputy Director of Collegiate Education, will place his objections to the appointment of

petitioner before second respondent University within a period of one month from the date of receipt of a copy of this Judgment. The second respondent will thereafter meticulously consider each and every objection of the Deputy Director to the appointment of petitioner and take a reasoned decision in accordance with law as expeditiously as possible, and the said decision shall be communicated to petitioner and fifth respondent. If the decision taken by the University is reiterating approval already granted, the fifth respondent shall be bound by the decision of this Court in Cherian Mathew v. Principal, S.B. College, Changanacherry (1998 (2) KLT 144) and the monetary benefits due to petitioner shall be disbursed without any further delay.

K. M. JOSEPH, JUDGE

kbk.